IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 17.10.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Habeas Corpus Petition No.776 of 2006

Nagammal ... Petitioner

Vs.

1.The State of Tamil Nadu, rep. by its
Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai-9.

2. The District Magistrate and
District Collector
Krishnagiri District
Krishnagiri.

3. The Inspector of Police
Royakottai Police Station
Royakottai
Denkanikottai Taluk
Krishnagiri District. .. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records of the second respondent in S.C.No.21/2006 dated 25.07.2006 under the Tamil Nadu Act 14 of 1982 as highly arbitrary, illegal and unconstitutional and direct the respondents to produce the body of the detenu Mr. Kaveri @ Ettu before this Court, and set him at liberty.

For Petitioner : Ms.D.Geetha

For Respondents: Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by P. SATHASIVAM, J.)

The petitioner by name Nagammal, who is the wife of the detenu Kaveri @ Ettu, detained as a ''Bootlegger" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 25.07.2006, challenges the same in this Petition.

2. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel appearing for the petitioner, by drawing our attention to the order of the Principal Sessions Judge, Krishnagiri, dated 10.07.2006 made in Crl.M.P.No.7062 of 2006 , wherein there is a reference for invocation of Tamil Nadu Act 14 of 1982, contended that the respondents have pre-determined to detain the accused/detenu at any cost. In the light of the above contention, we verified the order passed by the learned Principal Sessions Judge. The said order was passed on 10.07.2006 and while hearing the matter, the learned Public Prosecutor informed the learned Judge that steps are being taken to detain the accused/detenu under Tamilnadu Act 14 of 1982. The impugned detention order came to be passed on 25.07.2006. As rightly pointed out by the learned counsel for the petitioner, the respondents have pre-determined to detain the detenu under Tamilnadu Act 14 of 1982, which vitiates the impugned detention order. On this ground, the detention order is liable to be quashed and accordingly, the same is quashed.

4. The Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenu is directed to be set at liberty forthwith from the custody unless he is required in some other case or cause.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai-9.

2. The District Magistrate and
District Collector
Krishnagiri District
Krishnagiri.

3. The Inspector of Police
Royakottai Police Station
Royakottai
Denkanikottai Taluk
Krishnagiri District.

4. The Superintendent of Central Prison,
Salem.
(In duplicate for communication to the detenu)

5. The Joint Secretary to Government
Public (Law and Order) Department,
Fort St. George, Chennai-9.

6. The Public Prosecutor,
High Court, Madras-104.

1 cc to Ms.D.Geetha, Advocate, SR.48280

ng (co)

dv/26.10.06

HCP. No.776 of 2006

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